

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

JOHN ALLEN HESSMER)	
Petitioner,)	
)	
v.)	Case No. 3:06-0733
)	Judge Echols
STATE OF TENNESSEE, in re)	
WARDEN TONY PARKER,)	
)	
Respondent.)	

ORDER

For the reasons explained in the Memorandum issued contemporaneously herewith, the Court hereby rules as follows:

(1) The Report and Recommendation (Docket Entry No. 32) is hereby ACCEPTED and APPROVED;

(2) Petitioner's "Objections to Magistrate's Recommendation" (Docket Entry No. 35) are hereby OVERRULED;

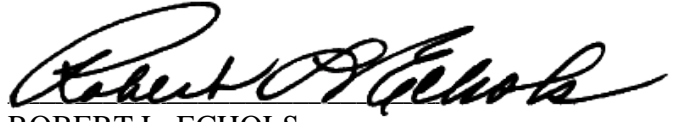
(3) Respondent's Motion to Dismiss (Docket Entry No. 26) is hereby GRANTED; and

(4) This case is hereby DISMISSED WITH PREJUDICE.

Further, because Petitioner cannot demonstrate that reasonable jurists would find debatable or wrong the Court's conclusions that (1) his claims of access to the court in relation to the processing of his post-conviction proceeding and ineffective assistance of counsel in a civil matter are not cognizable in a proceeding under 28 U.S.C. § 2254; (2) his claims of false imprisonment arising from the revocation of his placement in a Community Corrections program is moot; and (3) his remaining claims have been procedurally defaulted, a Certificate of Appealability will not issue. See Slack v. McDaniel, 529 U.S. 473, 483-84 (2000).

Entry of this Order on the docket shall constitute entry of a final judgment in accordance with Federal Rules of Civil Procedure 58 and 79(a).

It is so ORDERED.

A handwritten signature in black ink, appearing to read "Robert L. Echols", written in a cursive style.

ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE